



MEMORANDUM

To: Environmental Quality/Land Use Committee

From: Andrew Warren, Development Administrator

Date: August 16, 2006

Subject: **UPDATE** SUB 06-022 – Mount Tabor Meadows, corner of Mount Tabor Road and Happy Hollow Road Subdivision

On August 1, the Blacksburg Planning Commission voted to continue the public hearing for the Mount Tabor Meadows Major Subdivision until the Planning Commission's September 5 public hearing. The Town received a letter for four(4) variance requests by the applicant on August 2. **Please find the applicant letter attached.**

In cases of unusual situations or where strict adherence to the general regulations in this ordinance would result in substantial injustice or hardship, the planning commission may vary the provisions of this ordinance. The subdivision ordinance requires that each request for a variance be made in writing by the applicant, stating specifically the provision from which the variance is requested, and the grounds for the variance. All variance requests shall be accompanied by such plats, drawings, and engineering documents required by the agent to allow the planning commission to understand and act on the variance. No variance shall be granted which is illegal or which would prejudice the health and safety of citizens of this town. As required by the subdivision ordinance, written notification of the variance request (along with a copy of the updated preliminary plat) was sent by regular mail to all adjacent property owners at least ten (10) days prior to final action. The mailing went out on August 4.

The applicant's variance requests include a waiver of curb and gutter along Mount Tabor Road and Happy Hollow Road and a substitution of the standard concrete sidewalk with an asphalt sidewalk along Mount Tabor Road and Happy Hollow Road. The subdivision ordinance requires:

- *All streets shall be designed and constructed with **VDOT standard CG-6 curb and gutter** and be a minimum of 30 feet in width or greater as required by VDOT subdivision street standards, based upon projected traffic generated by the development [section 513(3)]; and*
- ***Sidewalks shall be constructed of concrete** and shall be a minimum of five (5) feet in width [Section 5-401(b)].*

In addition to making a recommendation of the preliminary plat, the Committee should make recommendations on the variance requests for the Planning Commission for review and final

action. The criteria for evaluation of a subdivision variance is whether this is an unusual situation or where the strict adherence to the applicable code standards would result in a substantial injustice or hardship to the applicant.

Revised Preliminary Plat

Please find attached a revised preliminary plat(dated August 2) by the applicant, showing three changes. The three changes to the preliminary plat are: the maintaining of the existing house by adjusting Lot 41, the closing of the connection of Petra Pass to Happy Hollow Road, while opening the connection of Derbe Lane to Happy Hollow Road, and changes to the proposed trail system and pedestrian connection along Mount Tabor Road.

Change #1

Section 5-305 of the subdivision deals with the coordination of streets with existing streets. The ordinance states that “the arrangement of streets in the new subdivisions shall make provision for the continuation of existing streets in adjoining areas where streets already exists. Major, collector and local streets shall be respectively extended as such.” There are only two existing streets that could be potentially extended into the new subdivision. Both streets, Mourning Dove Drive and Bob White Drive, are local streets and located in the Meadow Run Subdivision. The preliminary plat reviewed by the Committee in July showed a continuation of Bob White Drive, but not Mourning Dove Drive, into the proposed subdivision. The revised preliminary plat shows an elimination of this connection of Petra Pass and an alternative connection of Derbe Lane to Happy Hollow Road 350 feet to the southeast. Derbe Lane does not line-up with an existing street. The revised preliminary plat is less consistent with the section 5-305 than the original submission of the preliminary plat that the committee reviewed previously.

Change #2

A second change is the configuration of Lot 41 in order to preserve the existing house. Previously Lot 41 fronted on Asher Lane, now although it still has approximately 20 feet of frontage on Asher Lane, the required minimum frontage of 40 feet is satisfied on Mount Tabor Road. It is unclear if the house will access the public street from Mount Tabor Road as it does today or if the access will be off of Asher Lane.

Change #3

The third change is tied into the variance request for sidewalk materials. The applicant intends to use the sidewalk system for the required multi-use trail. The original plat showed the construction of a 10 foot, asphalt multi-use trail beginning at the property line on the southwest border, as consistent with the Comprehensive Plan Greenway Master Plan, and proceeding to the north through the Common Open Space Area. The trail then connects to Happy Hollow Road and proceeds southeast along Happy Hollow and terminates at the eastern edge of the subdivision on Happy Hollow Road. In the 7/14 staff report, it was stated that in accordance with the Subdivision Ordinance, a sidewalk would be required on Mount Tabor Road since it is classified as a collector road. The applicant would be required to construct a multi-use trail within the common open space area and provide for the sidewalk along Mount Tabor Road.

The revised preliminary plat shows a new 10-foot wide asphalt sidewalk, consistent with the multi-use trail standard, along Mount Tabor Road and Happy Hollow Road. Instead of the

construction of a trail to connect to the potential connection of a greenway, the preliminary plat shows a dedication of a new greenway easement to be dedicated to the Town and constructed by the Town. The applicant met with the Corridor Committee on 7/19. The changes as proposed are consistent with Corridor's recommendations. The Corridor Committee recommended providing an easement, but not to require it to be constructed, to connect to the proposed greenway master plan along the southeast boundary line and through the common open space area. In addition, the Corridor Committee expressed a desire to have a perimeter trail with minimal interruptions by driveways. They believe that this provides greater ability for connections with other subdivisions in the future. This sidewalk with minimal curb cuts appears to serve both purposes of a sidewalk providing pedestrian connections within the neighborhood and of a greenway trail providing recreational connections for biking, running, or walking for this part of Town.

The 10-foot asphalt sidewalk is shown extending across the corner parcel at the Mount Tabor Road and Happy Hollow Road intersection. This property is owned by the same property owner of the subject area, however it is not part of the subdivision. The owner has given his consent to allow the 10 foot asphalt sidewalk across the front of the property.

Curb and Gutter Variance Request

The curb and gutter variance request is a waiver of the following requirement along Happy Hollow Road and Mount Tabor Road:

All streets shall be designed and constructed with VDOT standard CG-6 curb and gutter and be a minimum of 30 feet in width or greater as required by VDOT subdivision street standards, based upon projected traffic generated by the development [section 513(3)]

There is currently no curb and gutter on either side of the street within close proximity to this project on both Happy Hollow Road and Mount Tabor Road. With the implementation of the curb and gutter, the developer would need to adequately handle the channelized stormwater as he would with the current ditch system. This may require increased infrastructure beyond standard curb and gutter, such as drop inlets, be installed. In addition, the current road width on both Happy Hollow Road and Mount Tabor Road are substandard. The applicant would be required to extend the road from the centerline to a width that meets the applicable VDOT standards. This would allow for the streets to be brought into compliance with current Town standards. Absent curb and gutter installation, the applicant will have to provide stormwater management solutions to meet Town standards.

July 31, 2006
3B Development, LLC.
P.O. Box 10246
Blacksburg, Virginia 24060-0246

Mr. Dale Oliver, Chairman, Planning Commission
Town of Blacksburg
P.O. Box 90003
Blacksburg, Virginia 24060-9003

Re: Variance requests for Mount Tabor Meadows

Dear Mr. Oliver:

Please accept this letter as our written request for a four (4) part variance of Town Ordinance Section 5-313(3) and 5-401(b)&(d) pertaining to the installation/design of sidewalks and street design.

Provision #1: Variance to section 5-313(3) requiring the installation of curb and gutter along Happy Hollow Road.

“GROUNDS THEREFOR”:

- a) Installing curb and gutter will concentrate more storm water runoff into downstream storm water facilities resulting in hardship.
- b) Installing curb and gutter on an existing road creates a substantial injustice to the developer who did not take part in the original design of Happy Hollow Road.

Provision #2: Variance to section 5-401(b) to substitute a 10' asphalt sidewalk along Happy Hollow Road in lieu of a 5' concrete sidewalk. This is a substitution for the “material type” listed in section 5-401(b) from concrete to asphalt. NOTE- Section 5-401(d) states that sidewalk construction materials and specifications shall meet current VDOT subdivision street standards, incorporated by reference. We are proposing this sidewalk to be 10' in width instead of the minimum 8' width as stated in the sidewalk substitution standards.

“GROUNDS THEREFOR”:

- a) Ordinance requires installation of a sidewalk; also included in this subdivision is a requirement for installation of a Green Way Trail. The corridor committee requested the trail to be placed on the edges of the property. In order to meet both requirements we are proposing a 10' asphalt sidewalk/ Green Way trail which meets or exceeds both requirements. Not allowing the materials substitution and the combined use would create a hardship for the developer in that a concrete sidewalk and an asphalt trail would be required.

Provision #3: Variance to section 5-313(3) requiring the installation of curb and gutter along Mt. Tabor Road.

“GROUNDS THEREFOR”:

- a) Installing curb and gutter will concentrate more storm water runoff into downstream storm water facilities resulting in hardship.
- b) Installing curb and gutter on an existing road creates a substantial injustice to the developer who did not take part in the original design of Mount Tabor Road.

Provision #4: Variance to section 5-403(b) to substitute an asphalt sidewalk along Mount Tabor Road in lieu of a concrete sidewalk. This is a substitution for the “material type” listed in section 5-403(b) from concrete to asphalt NOTE- Section 5-401(d) states that sidewalk construction materials and specifications shall meet current VDOT subdivision street standards, incorporated by reference.

We are proposing this sidewalk to be 10’ in width instead of the minimum 8’ width as stated in the sidewalk substitution standards.

“GROUNDS THEREFOR”:

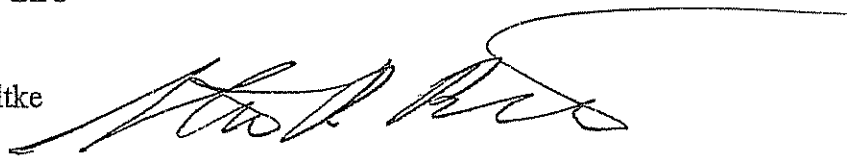
- a) Ordinance requires installation of a sidewalk; also included in this subdivision is a requirement for installation of a Green Way Trail. The corridor committee requested the trail to be placed on the edges of the property. In order to meet both requirements we are proposing a 10’ asphalt sidewalk/ Green Way trail which meets or exceeds both requirements. Not allowing the materials substitution and the combined use would create a hardship for the developer in that a concrete sidewalk and an asphalt trail would be required.

Notes- members of 3B Development LLC have met with Glenn & Barbara Price and they are agreeable to allowing the 10’ sidewalk/ Green way Trail around their property.

Sincerely,

3B Development, LLC

Steve Bodtke



Justin Boyle



Jason Boyle





MEMORANDUM

To: Environmental Quality/Land Use Committee

From: Andrew Warren, Development Administrator

Date: July 14, 2006

Subject: SUB 06-022 – Mount Tabor Meadows, corner of Mount Tabor Road and Happy Hollow Road Subdivision

SUMMARY OF REQUEST

Request: 49 lot, Major Subdivision

Current Owner: 3B Developers, LLC - Jason Boyle, Justin Boyle, and Steve Botke(contract purchaser)
Glen and Barbara Price (owners)

Engineer Firm: Altizer, Hodges, & Varney (Bryant Altizer)

Property Location: Corner of Mount Tabor Road and Happy Hollow Road

Tax Parcel Number: Tax Map Numbers 167- A-20 and portion of 167-A-21

Total Site Area: Approximately 19.9 acres

Zoning of the Property: R-4, Low Density Residential

Surrounding Zoning: R-4, Low Density Residential, PR, Planned Residential, and (County zoning) A1, Agricultural 1.

Present Use of Property: Agricultural

Surrounding Uses: Southeast: & Southwest: Agricultural
Northeast & Northwest: Single-family, Detached use

Neighborhood Meeting: 7:00 p.m., Monday, July 10, 2006

BACKGROUND

3B Developers, LLC is proposing a major residential subdivision development on property zoned Low Density Residential (R-4) in the Town of Blacksburg. The staff evaluation is based on the preliminary subdivision plat dated June 9, 2006 and revised June 28, 2006. The proposed development is located on the southeast corner of the 900 block of Mount Tabor Road and 1800 block of Happy Hollow Road.

The subject parcels, mostly pastureland, are rolling hills with a moderate grade change from the high point to the low point. Two residential dwellings, a barn and existing agricultural buildings are currently located on the property and are scheduled to be demolished. The proposed 19.9-acre development will include 49 residential lots with a minimum allowed lot size of 10,000 square feet. The largest proposed lot size is 18,295 square feet. All of the lots will be accessed from four(4) new local streets, which are Asher Lane, Petra Pass, Masada Way, and Derbe Lane.

NEIGHBORHOOD MEETING

A neighborhood meeting was held in the Town Council Chambers at 7 p.m. on July 10, 2006. Approximately 35 citizens attended the meeting. The Development Administrator and Matt Stolte, Town Engineer, representing the Town attended. Steve Botke, Jason Boyle, and Justin Boyle from 3B Development, Inc and Bryant Altizer, an engineer with Altizer, Hodges, and Varney represented the development team.

Staff explained the process of a major subdivision to the audience, emphasizing that in a by-right subdivision the applicant is required to meet only the elements listed in the subdivision and zoning ordinances in order for Planning Commission to approve the preliminary plat. Questions, comments and concerns regarding Mount Tabor Meadows subdivision include the following general topics: stormwater management, traffic and safety concerns (primarily on Mount Tabor Road), street layout, the buildout of the development, the cost of housing, open space, street lights, and pedestrian connections.

The attendees had many questions regarding how the existing adjacent subdivision, Woodbine Subdivision, would be affected by the stormwater produced by the proposed development. One attendee asked if the Town would own the stormwater facility. Town Staff explained that the stormwater facility would be required to be constructed by the developer to Town Standards. The stormwater facility is shown as part of the required 10% open space. The Town code typically bestows ownership and maintenance responsibility for storm water facilities upon the home owner association.

There was a general concern expressed that even with the developer meeting the Town standards for stormwater management that the Woodbine development would be negatively affected. Many attendees referenced the Maple Ridge Development as an example of how stormwater can adversely affect downstream residents. There was an acknowledgement by attendees that stormwater issues existed in Woodbine prior to the Maple Ridge development. Town staff explained that in accordance with existing Town code the applicant will have to show that there is an adequate downstream channel to convey the additional post development runoff volume to the nearest natural watercourse. The developer expressed their willingness and desire not to create additional problems for Woodbine residents. An attendee invited the applicants to the next

Woodbine Homeowners Association Board Meeting. The developers agreed and the developer's engineer offered to meet with association representatives and concerned residents on-site to look at potential solutions for providing an effective way for the stormwater to get to the appropriate channel. The developer offered to work with the Woodbine Homeowners Association to collaboratively address some of the stormwater concerns. Additionally, the development team added that they are looking into the use of low impact development (LID) measures, such as infiltration pits to control stormwater runoff. No specific plans have been put forward by the development team as part of the preliminary plat application.

An attendee asked if the Town is looking at Mount Tabor Road for potential traffic impacts of this development and other development in the area. It was stated that the intersection of Happy Hollow Road/Woodbine Drive and Mount Tabor Road is dangerous when cars are heading into Town. Speeding is a major concern. He stated that the issue was brought up to the Traffic Committee, but it was found that no improvements were warranted at that time. Staff commented that the Traffic Committee is the proper committee in the Town to address existing traffic problems. The applicant will be responsible for providing right turn/left turn analysis at the time of the final plat to measure if any street improvements are warranted for the newly proposed connections of Petra Pass to both Mount Tabor Road and Happy Hollow Road. A concern was also raised that this development may promote more cut-through traffic in the Woodbine neighborhood if the Mount Tabor Road and Happy Hollow Road intersection is more congested.

Several concerns were raised regarding the design of Petra Pass promoting cut through traffic in the new development. It is believed that many drivers from the Meadows Run subdivision (across Happy Hollow Road) and many commuters from the Catawba Valley who use Happy Hollow Road will cut-through Petra Pass to Mount Tabor Road. The developer's engineer stated that has been a concern of the development team and they are looking for solutions to discourage cut-through traffic, including potentially putting a four-way stop at the corner of Asher Lane and Petra Pass if sight distance and other traffic concerns allow. He stated it is important for traffic circulation and is consistent with Town policies to promote connectivity between the proposed streets and the existing streets. One attendee expressed concern that his house is in the Woodbine subdivision and sits 3 to 4 feet below the street level where Petra Pass is proposed to connect with Mount Tabor Road. He stated that the rear of his house will be exposed to lights from vehicles at night when approaching the new intersection onto Mount Tabor Road. He stated that there is vegetative screening, however he feels it will not be sufficient to adequately screen the headlight glare from approaching vehicles.

There was a question regarding the time period and the way the development will be built. The developer's engineer responded that full-build out is scheduled for 5 years, so they intend to construct approximately ten houses per year. He explained that the stormwater facility would be established first, and then most likely Petra Pass would be constructed. The remaining streets would be built off of Petra Pass.

One attendee asked if the housing would be affordable. The development team responded that the pricing would be market-driven. They stated that quality construction usually costs about \$140 per square foot to build. They added that the intention is to build quality houses so a lot of improvements and upgrades are not needed a short period of time after completion.

The topic was raised about whether the open space would be open to the public or if it would be common open space controlled by a homeowners association. Staff explained that the subdivider is required to provide 10 percent of the subdivided land to the town as public parkland. However, if the Town does not want the property for public parkland, the subdivider must use the land as common open space for the use of the property owners in the subdivision. A homeowners association is required for the maintenance of the open space. To date, the Parks and Recreation Department has not expressed interest in the property for parks. However, a public easement for a multi-use trail will traverse a portion of the open space and will be available for public use.

An attendee questioned what type of street lights would be used. The development team noted that they are researching the type of lights and that any street lights will meet Town Code. It was mentioned that they are looking into “lighting the street” by placing lights on the mailboxes. It has been done in a residential subdivision in Richmond. Staff responded that this may be a possibility, but more information would be needed.

A member of the audience asked if sidewalk would be provided on both sides. The development team stated that it would be one side of the street. One attendee mentioned that litter will be a problem on Happy Hollow Road.

CRITERIA FOR ANALYSIS

The preliminary plat must comply with all applicable standards of the Zoning Ordinance and Subdivision Ordinance.

Zoning Ordinance

The proposed development is located in the R-4, Low Density Residential district. The proposal is evaluated on applicable criteria of the R-4 District Standards, as well as applicable Site Development Standards of the Zoning Ordinance.

R-4 District Permitted Uses: Single-family, Detached Residential dwelling use is permitted by right. Lot numbers 1 through 49 are R-4 lots for a total of 49 proposed single-family lots. The proposed R-4 lots comply with minimum lot size (10,000 sq. ft.), minimum lot frontage (40 ft.), minimum front yard setback (30 ft.), minimum side yard setback (10 ft., 20 ft. on corner lots for side facing the street), and minimum rear yard setback (25 ft.)

The proposed subdivision complies with or exceeds the development standards of the R-4 zoning district, where applicable.

Development Standards:

Individual lot driveways must be paved, be a minimum of 10 feet wide, and provide a minimum of two paved parking spaces per residential unit.

All other applicable District and Site Development standards that are not specifically addressed by the plat (e.g. maximum occupancy, exterior lighting, fences, etc.) will be enforced through the building permit/certificate of occupancy process and zoning ordinance enforcement.

Subdivision Ordinance

Dedication of common space for recreation: The subdivider may reserve 10 % of the total land area for private common recreation space in lieu of parkland dedication. The applicant proposes reservation of 11% as open space.

Sidewalk: The plat proposes a sidewalk on at least one side of all the proposed public streets as required by the ordinance. The applicant is requesting a variance to the sidewalk that is required along Happy Hollow Road, since the greenway trail is proposed as an alternative asphalt walkway to serve as a pedestrian connection and it is a local road with no existing sidewalk on the opposite side of the street. Mount Tabor Road is classified as a collector road. The Subdivision Ordinance does not provide for relief to the sidewalk requirement along a collector road. The applicant will be required to construct the sidewalk along the portion of the subdivision that borders Mount Tabor Road.

Utilities:

Water and sanitary sewer mains shall be constructed in accordance with the Town's specifications. The proposed subdivision shall be served by the Town water system. The proposed preliminary plat shows the water main through this development to loop the existing watermains that run along Mount Tabor and Happy Hollow roads. Currently there is an alternative Town water pressure system that is being installed toward the south west corner of the proposed development. If the more detailed engineering analysis that is performed during the Engineering Plan review process indicates that the alternative pressure system can provide water service to the proposed development in a more beneficial manner, then the Town water connection points may change accordingly. The proposed plat does not appear to limit the development from connecting to the alternative water pressure system if warranted.

Sanitary sewer from the site is proposed to flow by gravity to the existing Town sewer system that is routed through the Woodbine development and conveyed back to Main Street via the Wyatt Farm pumping station. In accordance with the Town code the developer will be required to evaluate the capacity of the existing gravity sewer line from the proposed development and the pumping station during the Engineering Plan review process.

Streets:

Coordination of streets with existing streets: Section 5-305 states "the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas where streets already exist. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when the subdividers plat their land and seek to provide for convenient vehicle access to it."

Petra Pass is the only proposed street that will connect to existing public streets. It is designed to line up with Bob White Drive at the intersection with Happy Hollow Road and connect with Mount Tabor Road approximately 830 feet south of the corner with Happy Hollow Road.

According to Section 5-301 "Street Names", proposed streets which are in alignment with others already existing and named shall bear the name of the existing street. **The subdivider is required to change the name of Petra Pass to Bob White Drive, the existing street on the**

northeast side of Happy Hollow within the Meadows Run Subdivision.

Minimum right-of-way widths: “Minimum right-of-way width of proposed streets shall be fifty (50) feet except for permanent cul-de-sacs in which case the minimum width of the linear part of the cul-de-sac shall be forty (40) feet.” All proposed right-of-ways are fifty feet in width, including the cul-de-sacs. Both Mount Tabor Road and Happy Hollow Road are not 50 feet in width. The applicant is required to dedicate right-of-way to provide for 25 feet in width to the center line of the roads where they abut the subdivision.

Prior to subdivision plan approval, each proposed street connection to an existing street shall be analyzed to ensure that the minimum sight distance requirements per VDOT are met. The developer shall show that minimum sight distance requirements are met at the intersections of the Petra Pass and Mount Tabor Road and Petra Pass and Happy Hollow Road.

Section 5-317 of the Subdivision Ordinance outlines the Town’s requirements for the dimensions of blocks. The lengths of blocks shall be determined by public safety, traffic flow, and natural topography considerations. In general, block lengths shall be between 500 feet and 1200 feet. The block length of Petra Pass between Happy Hollow Road and Asher Lane does not meet the 500 feet to 1200 feet criteria. However, at a minimum, the developer shall show that the sight distance at Petra Pass and Happy Hollow meets VDOT requirements. All proposed streets shall be constructed in accordance with Town and VDOT geometric standards.

A traffic analysis at each of the proposed connections to the existing streets (Mount Tabor Road and Happy Hollow Road) shall be provided to the Town during the plan review stage in accordance with the Town code.. **Curb and gutter shall be installed along the property frontage along existing Mount Tabor Road and Happy Hollow Road.**

Stormwater Management-

The subdivider shall design and construct storm water management facilities for the subdivision in accordance with the Town code. The design shall include, but not be limited to, an analysis of: proposed storm water drainage facilities, pre- or post-development storm water runoff calculations, impacts on downstream properties, impacts upon downstream storm water management facilities, and existing and potential runoff from upstream drainage areas. The developer is proposing to construct a detention facility and provide storm sewer piping throughout the development. **The provided information on the preliminary plat satisfies the required elements of showing existing and proposed storm sewer facilities and provisions for storm water management during the preliminary plat stage.**

Agricultural Forestal District

The subject area is currently located in the Agricultural Forestal District (AFD), enabling the land owner to receive tax benefits for the property. The portion of the subject parcels proposed for development must be removed from the Agricultural Forestal District by Town Council action. If the property is developed and remains in the AFD, then state tax penalties may be accessed against the property owners.

CONCLUSION

This major subdivision is a by right, and shall be approved if found to be in conformance with the town's Subdivision and Zoning Ordinances. The preliminary plat generally complies with the Subdivision and Zoning Ordinances.